

ECFiler Update

December 2008

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1 Revised Fee Schedule

The Fee Schedule as revised is available on the Court's webpage, www.okwb.uscourts.gov. Select Court from the toolbar and click Resources, then Fee Schedule to access the document. The minor changes were effective October 1, 2008.

Electronic Access to Transcripts

Procedures for the filing and redaction of transcripts changed with the implementation of CM/ECF Version 3.2. A General Order implementing the new federal policy became effective on October 24, 2008. For additional information, you can access the General Order on the Court's website, www.okwb.uscourts.gov. General Orders are posted under Court on the toolbar. From the dropdown menu, select Resources > General Orders. Transcript Redaction is number 19. Click the title to access the PDF.

Revision to Federal Rules of Bankruptcy Procedure

Revisions to the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure are available for review and comment.

Certification of Domestic Support Obligations and Certification Regarding 522(q)

Section 1328(a) of the Bankruptcy Code requires that any Chapter 13 debtor who is required by a judicial or administrative order or by statute to pay a domestic support obligation as defined by § 101(14A) of the Code certify that all amounts due on or before the date of the certification have been paid. The debtor cannot receive a discharge until the certification has been filed.

Pursuant to § 1328(h), the Court may not grant a discharge in a Chapter 13 case until a determination is made that § 522(q) is not applicable to the debtor(s). In order for § 522(q) to be applicable, the debtor(s) must have claimed an exemption in a homestead, residence, or burial plot pursuant to § 522(b)(3) and state or local law in an amount exceeding \$136,875. The debtor's certification in Part III of Form B283 will enable the Court to determine whether §1328(h) has possible application to the case.

A form is available for use by Chapter 13 debtors to certify that domestic support obligations are current and/or that §522(q) is not applicable to the debtor(s). Form B283 may be filed using the event, Domestic Support Obligations, found under the Other category in the Bankruptcy events. The form may be accessed at http://www.uscourts.gov/rules/BK Forms 08 Official/Form 283 10310

BAPCPA Interim Rules Repealed

8.pdf.

The Interim Rules adopted by the Court on October 17, 2005 to implement the changes necessitated by BAPCPA have been repealed. The Interim Rules were repealed follwing the adoption of revisions to the Federal Rules of Bankruptcy Procedure.

1 National Guard and Reservists Debt Relief Act

The National Guard and Reservists Debt Relief Act became law on October 20, 2008. The Act excludes certain members of the National Guard and Reserves from means testing in Chapter 7 cases, which are filed in the three-year period beginning 12/19/08. A form and an Interim

Rule to implement this law have been adopted by General Order. The Order is available on the Court's website.

E Corrective Entry Reminders

- 1. An individual filing with **primarily business debts <u>is</u>** required to file a Statement of Monthly Income/Means Test.
- 2. When opening a new **adversary** proceeding, **DO NOT add** the name and address for an attorney for the defendant. A defendant may or may not employ the same attorney in every case. The Court will enter this information when a response or an entry of appearance is filed.
- 3. Amendments made to the **Creditor Matrix** (including Schedules D, E, and F) require payment of a filing fee of Twenty-six Dollars. Correction of the address of a person or entity listed on the matrix may be made without the payment of a filing fee. PLEASE use the word "Corrected" ONLY when the matrix is corrected and not amended. Case Administrators will be reviewing these corrected matrices carefully to ensure that fees are paid when required.
- 4. When an **Amended Matrix** is filed, <u>only</u> the **new creditors** should be included on the matrix. The new creditors also MUST be uploaded to CM/ECF as a .txt file.
- 5. A reopening fee WILL BE CHARGED if a case is administratively closed for failure to file a certificate of personal financial management even if the debtor completed the course timely but failed to file the certificate.
- 6. If you must file a Creditor Matrix with **international addresses**, please contact the Court for guidance on formatting the foreign addresses.
- 7. Before telephoning the CM/ECF Help Line (405 609-5719) with a problem, please remember to **clear cookies and temporary internet files** from your computer. To do this in Internet Explorer, select the Tools drop down menu. Select Internet Options. Click "Delete" in Browsing History. From this menu, click Delete Temporary Internet Files and Delete Cookies.